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Sable Offshore Corp.*

19 CENTER FOR BIOLOGICAL
20 DIVERSITY; WISHTOYO
FOUNDATION,

21 || Plaintiffs,

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23 DEBRA HAALAND, Secretary of the
U.S. Department of the Interior;
24 BUREAU OF SAFETY AND
ENVIRONMENTAL
25 ENFORCEMENT; BRUCE HESSON,
Pacific Regional Director, Bureau of
26 Safety and Environmental
Enforcement.

27 Defendants.

CASE NO. 2:24-cv-05459-FMO-MAA

**SABLE OFFSHORE CORP.'S REPLY
IN SUPPORT OF MOTION TO
INTERVENE**

Hearing

Date: November 14, 2024

Date: November
Time: 10:00 a.m.

Judge: Hon. Fernando M. Olguin

Courtroom: 6D

1 In their Response, Dkt. 23, Plaintiffs do not oppose Proposed Intervenor-
2 Defendant Sable Offshore Corp.’s (“Sable”) Motion to intervene (“Motion”), Dkt.
3 18, subject to two conditions—the first of which Sable already agreed to and the
4 second of which Sable opposes.

5 As the first condition, Plaintiffs request the Court “require Sable to abide by
6 the deadlines in the Court’s scheduling order, Dkt. No. 17.” Dkt. 23 at 1-2. As
7 explained in Sable’s Motion, and as explained to Plaintiffs’ counsel during the
8 meet and confer, Sable is prepared to meet the deadlines in the Court’s order. Dkt.
9 18-1 at 10.

10 As to Plaintiffs’ second proposal, which Plaintiffs did not raise during the
11 meet and confer, Sable opposes Plaintiffs’ request to condition Sable’s intervention
12 by “limit[ing] Sable to 12 pages in its portion of the parties’ Joint Summary
13 Judgment Brief and 5 pages for any supplemental memorandum to the Joint
14 Summary Judgment Brief.” Dkt. 23 at 2. Plaintiffs argue their conditions are
15 needed “to help foster the timely and efficient resolution of this case.” *Id.* at 1.
16 But limiting Sable’s pages in the briefing on the merits would prejudice Sable,
17 which is the holder of the offshore leases at issue in this case, and is unnecessary
18 under the current Case Management Order, which already provides a procedure,
19 page limits, and deadlines “to facilitate the just, speedy, and inexpensive
20 determination of this case.” Dkt. 17 at 1. For instance, the Case Management
21 Order includes the following:

22 • The Parties will complete a settlement conference by January 7, 2025.
23 *Id.* at 2.
24 • The Parties will file a single, integrated joint brief on the merits. *Id.* at
25 3-5.

- 1 • “**Each separately represented party shall be limited to 25 pages,**
2 exclusive of tables of contents and authorities.” *Id.* at 5 (emphasis
3 added).
- 4 • “After the Joint Brief is filed, **each separately represented party**
5 may file a supplemental memorandum of points and authorities no
6 later than fourteen (14) days prior to the hearing date. **The**
7 **supplemental memorandum shall not exceed ten (10) pages in**
8 **length.**” *Id.* at 6 (emphasis added).

9 Plaintiffs make no showing that they would be prejudiced or that Sable
10 having the same page lengths as the other separately represented Parties under the
11 Case Management Order would create inefficiency. Sable would also be bound by
12 the Case Management Order’s requirement that “[r]epetition shall be avoided.” *Id.*
13 at 5. Indeed, Sable would be prejudiced if Plaintiffs’ request to limit Sable’s
14 participation is granted, given Sable’s significant interests at stake. Plaintiffs are
15 challenging extensions to resume operations on 16 offshore oil and gas leases in
16 the Santa Ynez Unit for which Sable has committed close to \$1 billion to date
17 associated with purchase, repair, maintenance, and upgrades. Dkt. 18-1 at 1, 8.
18 And Sable estimates that over 1 billion barrels of oil are still recoverable from the
19 Santa Ynez Unit, which represents nearly \$10 billion in net contingent resources
20 overall. *Id.* at 8.

21 Limiting Sable’s pages for briefing as Plaintiffs request would prejudice
22 Sable because it would not have an opportunity to respond to all of Plaintiffs’
23 arguments. Similarly, limiting Sable’s briefing to half the pages allowed in the
24 Case Management Order—as Plaintiffs request—would prevent Sable from
25 making all of its arguments that differ from those of Federal Defendants. Courts
26 routinely find that Federal Defendants or other parties cannot adequately represent
27 the interests of leaseholders, Dkt. 18-1 at 13–14—and that the leaseholder is an
28

1 important voice that must be heard in resolving a case challenging agency
2 approvals associated with the lease it holds, *see, e.g., W. Watersheds Project v.*
3 *Haaland*, 22 F.4th 828, 841–42 (9th Cir. 2022) (holder of oil-and-gas leases was
4 entitled to intervene as of right in case challenging leases under NEPA and Federal
5 Land Policy and Management Act; “[A]s a party with a legally protected interest in
6 contract rights with the federal government, [the individual oil-and-gas lessee]
7 would offer a necessary element to the proceeding that other parties would
8 neglect.”).

9 The cases cited by Plaintiffs are distinguishable and only highlight why the
10 Court should reject Plaintiffs’ request to limit Sable’s briefing pages. Each of the
11 cases Plaintiffs cite in which the court limited an intervenors’ briefing as a
12 condition of intervention involved multiple intervenors, making the efficiency of
13 the proceedings and avoiding repetition a more pressing issue than it is here. *See,*
14 *e.g., Ass’n of O&C Cntys. v. Trump*, Nos. 17-280, 17-441 (RJL), 2018 WL
15 11241964, at *2 (D.D.C. Jan. 22, 2018) (requiring intervenors to file a joint
16 intervenor brief but not limiting pages); *Nat’l Family Farm Coal. v. Vilsack*, No.
17 21-cv-05695-JD, 2022 U.S. Dist. LEXIS 21628, at *3–4 (N.D. Cal. Feb. 7, 2022)
18 (two intervenors were “not entitled to intervene as of right” and shared “with the
19 government ‘the same ultimate objective of upholding’ the challenged
20 regulation”); *W. Org. of Res. Councils v. Jewell*, No. 14-1993 (RBW), 2015 WL
21 13711094, at *2, *7 (D.D.C. July 15, 2015) (page limits included in grant of
22 intervention where three separate parties intervened); *Wildearth Guardians v.*
23 *Salazar*, 272 F.R.D. 4, 21 (same). None of the cases cite by Plaintiffs involved a
24 single intervenor like Sable, who is the leaseholder of challenged oil and gas leases
25 at issue in this case and which timely moved for intervention and agrees to comply
26 with the existing Case Management Order.

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1 To the contrary, courts routinely deny the type of request to limit an
2 intervenor's briefing pages that Plaintiffs make here. *See, e.g., Env't Def. Ctr. v.*
3 *Bureau of Ocean Energy Mgmt.*, 2017 WL 11714731, *1 (C.D. Cal. Mar. 10,
4 2017) (declining plaintiffs' request to impose page limits in case challenging
5 environmental review of leasehold oil and gas operations, and finding that the
6 leaseholder's specific interest weighed against imposing page limits: "Although the
7 overlap among Intervenors' claims is substantial, the Court recognizes that API's
8 industry-wide objectives are broader than Exxon Mobil's specific leasehold
9 interests in the Pacific Ocean, and warrant some independent treatment."); *Defs. of*
10 *Wildlife v. U.S. Fish & Wildlife Serv.*, 2021 WL 4552144, *4 (N.D. Cal. May 3,
11 2021) (declining plaintiffs' request to impose page limits on intervenors National
12 Rifle Association and Safari Club International challenge to delisting of gray wolf
13 under Endangered Species Act); *W. States Petroleum Ass'n v. Cal. Occupational*
14 *Health & Safety Standards Bd.*, 2019 WL 6324076, *3 (E.D. Cal. Nov. 26, 2019)
15 (granting intervention and providing that page limits for the briefs will not be split
16 between the parties).

17 In sum, Plaintiffs do not oppose intervention and the Federal Defendants
18 take no position. Sable requests that the Court grant Sable intervention as of right
19 as a separately represented party consistent with the existing Case Management
20 Order, including the page limitations set forth therein.

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1 Dated: October 25, 2024

Respectfully submitted,

2 LATHAM & WATKINS LLP

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Proposed Intervenor-Defendant Sable Offshore Corp., certifies that this brief contains 1109 words, which complies with the word limit of L.R. 11-6.1.

Dated: October 25, 2024

By: /s/ Benjamin J. Hanelin
Benjamin J. Hanelin (Bar No. 237595)